

**MINUTES**  
**TOWN OF EAST FISHKILL**  
**TOWN BOARD MEETING**  
**SEPTEMBER 23, 2021**  
**7:00 p.m.**

**SPECIAL JOINT PUBLIC HEARING WITH THE PLANNING BOARD AT 6:00 PM**

**Special Joint Public Hearing**

**Consider a Re-Use Special Permit and Site Plan Approval for 10-350 North Drive iPark For Frito-Lay Sales, LP**

Motion to open the Town Board Public Hearing: Board Member Cassidy.  
Seconded: Board Member Beephan. All voted in favor. Motion carried.

Motion to open the Planning Board Public Hearing: Board Member Richard Campbell. All voted in favor. Motion carried.

Supervisor D'Alessandro stated this is a special meeting between the Town Board and the Planning Board. This is going to be a facility on iPark property, which is located on Route 52. Originally this was the East campus of the IBM facility, which has been sold to GlobalFoundries and at that point they did a subdivision. Concurrently the Town Board did a General Environmental Impact Study on the entire site. That would encourage multiple uses on the site. iPark is many different companies on sites, which are very successful. Tonight the Public Hearing is for Frito-Lay and what their proposal is.

Jennifer Gray stated she is here for Rolling Frito-Lay Sales, which is a subsidiary of PepsiCo. This application is for the construction of a fulfillment center at the former IBM East campus. PepsiCo is a leading global food and beverage company. It has subsidiaries that produce products such as Pepsi, Frito-Lay, Quaker, Sodastream, and Bubly. Frito-Lay subsidiary distributes snack foods. This is for Frito-Lay for a fulfillment/distribution center. This will not be for manufacturing. They anticipate bringing 80 full-time permanent jobs once the fulfillment center is open. There will also be approximately 80 construction jobs. This location was targeted due to its proximity to I 84 and the infrastructure that is already available on site. Frito-Lay has been actively searching for a site for its fulfillment center for some time. These types of projects bring a large tax revenue to the Town without having the corresponding burden to the school district. Over the next 15 years the applicant does anticipate contributing the following tax revenues. They are estimating approximately 5 million dollars over 15 years to the school district and about \$700,000 to the county and just over \$700,000 to the Town, which is above and beyond the taxes currently generated by the property.

Pepsico and Frito-lay have a long history of being great contributors to communities and have had many years worth of awards for ethics and diversity, environmental sustainability and other great things. They do anticipate becoming involved in local and regional charities here as well.

They do need an Economic Redevelopment Special Permit from the Town Board and from the Planning Board site plan and subdivision approvals are necessary. They did meet with the Planning Board recently so both boards are familiar with the approvals that are needed. They have also been actively engaged with outside agencies. They have spoken with DOT, Dutchess County Department of Health, and GlobalFoundries with respect to the water and sewer utilities that will be needed on site.

They have received comments from the consulting engineer as well as the planner. They also received comments from the Fire Advisory Board and Westchester County Planning. They have submitted a response to CPL, the consulting engineer, regarding their comments. Responses to the other comments are forthcoming.

For SEQRA purposes, they are a Type 1 action. A full EAF with the various environmental studies have been submitted for review. It included a traffic study, noise study, and other studies. This is a Type 1 action because it is a facility that has more than 100,000 ft.<sup>2</sup> of gross floor area.

Ms. Gray stated that because the building is going to be fronting on Route 52 in the parking lot that is currently visible now, appearance of the building is very important. They have designed the building to make an office type building so it will not look like a warehouse. There are design features to break up the façade along Route 52. The facility will feature a specialized type of equipment called an automated storage and retrieval system known as ASRS. This is a vertically oriented piece of machinery used to optimize the storage and retrieval of the inventory. Without this piece of equipment they would need a footprint of almost 3 times larger than what they are proposing. Originally they submitted for 25% of the building to be 85 feet high, which is 5 feet over the zoning threshold. Since the last Town Board meeting, they have reduced the height to below 80 feet so it is zoning compliance.

In regards to landscaping, the landscaped berm with trees will be maintained to service screening.

From a storm water perspective they are not increasing impervious surface. They have designed this to actually reduce the amount of asphalt on the site.

With respect to traffic, they anticipate very little traffic during peak hours. There is no truck traffic being proposed to access the site from Route 52. The shift changes associated with the operation of the fulfillment center will avoid those peak hours.

Joining Ms. Gray tonight are Stephanie Hanger and Devesh Patel. Chuck Mueller is a consultant with Frito-Lay. CHA representatives, Anthony Russo from AKRF and Rick Ward Willis from Keane and Beane.

Mr. Patel stated Frito-Lay truly tries to be an active member of each community they join. Their intention is to build on an area that has previously been disturbed.

This building is proposed to be built on existing parking lot so they are not disturbing any of the natural resources or wetlands. Overall the project is approximately 157,000 ft.<sup>2</sup> that is comprised of three buildings, which is the fulfillment center itself at approximately 140,000 ft.<sup>2</sup>, the fleet center on the far left and guardhouse on the far right. The height is now within 80 feet to be within current zoning. They tried to keep the loading dock away from Route 52. They will have 108 automobile parking spaces, 100 trailer parking spaces, and 13 tractor parking spaces. There will be no manufacturing or processing of raw materials on this property. There will also be no manufacturing waste going out of the site. Product will be coming in from the state of Connecticut and the state of Maryland where it will be palletized and distributed to surrounding areas. He had aerials to show the existing site as it stands today and the site with the proposed building. The fleet center is where maintenance will take place as needed. He had slides that showed the proposed architectural detail and how they were trying to make it look less like a warehouse and more like office space. They have used multiple colors to bring up the sideline as well as articulated the roof line. They have also added additional landscaping. They will have samples for the Architectural Review Board when they meet with them. There will be monument signs for the facility at the entrance to Gate 2.

The existing lots are Lots 2 and 3 and they will be combined to become Lot 9. In regard to site access people will primarily be coming off of I 84 then coming down iPark Boulevard and entering into Gate 3 and go straight to the facility. No tractor-trailers will be going down Route 52. Personal vehicles will have two options. Their first option will be to take Gate 3 like the tractor-trailers or, if they are coming from local areas, they could come down Route 52 and utilize Gate 2. This has been reviewed with DOT. They will maintain the existing access around the site, which will ensure necessary emergency access for fire and rescue. There is also a pump house that serves the potable water for the site and they need to make sure that GlobalFoundries and all others have adequate access to that to service it as needed.

They will maintain a lot of the existing landscape that is there. They may need to modify some for grading reasons but they have also added some landscaping. Their intent is to maintain a net zero impact to current impervious area.

This is a night shift operation primarily. Their hours are from 8 PM until 12 noon currently. Their peak time is approximately 4 AM when there is a shift change. There are only eight people working from 8 AM to 5 PM who will be managerial and administrative staff. There is ADA parking in the appropriate areas. They are 80 full-time jobs and they have 108 parking spaces, so they believe they have more than enough.

They plan to maintain the current infrastructure in regard to storm water. There are five water quality treatment structures in place. They will be submitting a Storm Water Protection Prevention Plan to DEC for review. They have discussed using the onsite sewer and water with GlobalFoundries.

They have been in discussion with Central Hudson Gas and Electric regarding the electricity needs. They may be working with CHGE installing a natural gas line down Route 52 to service the facility. The estimated current usage for domestic

water is 427 gallons per day and it will be provided by the Dutchess County Water and Wastewater Authority. They estimate 883 gallons per day for sanitary sewer use on the GlobalFoundries Wastewater Treatment Plant. The majority of that will be coming from a truck wash at the fleet center. They will utilize the existing water system infrastructure that currently exists on site for fire and water suppression.

The applicant has completed a sound study in June based on three different data points surrounding the sites. They did not exceed the noise ordinance as described by the Town of East Fishkill of 70 dB and the DEC guidance from an ambience perspective of +6 dB was not reached either. They do not believe this project will have any noise result on the neighboring community.

Mr. Patel had a map that showed where all light poles would be. The light fixtures will be nighttime friendly and dark sky approved by the International Dark Sky Association. All site lighting will feature light visors and the lighting fixtures around the perimeter of the property will include back visors to protect neighboring properties from light trespass. There will be no impact onto Route 52. There are existing light poles there. All of the applicant's exterior lighting will be photocell controlled to limit the activity hours of the fixtures.

Mr. Russo thanked the Town Professionals for their assistance. They had a meeting with DOT this past week. The traffic study looked at seven different intersections. They are: Route 52 and Palen Road Gate 1, Route 52 and East Dr. at Gate 2, Route 52 and iPark Boulevard, iPark Boulevard and Shenandoah Road Gate 3, iPark Boulevard and Old Lime Kiln Road Gate 5, I 84 Westbound ramps and iPark Boulevard, I 84 Eastbound ramps and iPark Boulevard. The peak hours for traffic will be 7 AM to 8 AM weekdays and 4:45 to 5:45 PM weekdays. The shift change for employees is at 4 AM. A conservative traffic study was done by overlaying the peak of the Frito-Lay traffic over the peak of the network even though they do not coincide with each other. Mr. Miyoshi asked what the employees working from 4 AM to noon were going to do for their "lunch hour" as that would put them right in the middle of the peak AM traffic for that area. Mr. Patel stated most employees bring their lunch and there is a breakroom on site. The traffic study was based on the Institute of Transportation Engineers Trip Generation Handbook. It is a very conservative report and showing more cars than this facility will have employees. These car trips do not occur in the peak hours in the community. It is showing approximately 5 to 7 truck trips during the peak hour but they will only have 48 trucks a day, which is basically one in, one out so the truck numbers are also conservative. They have tried to look at worst-case scenario for the impact assessment. With the proximity to I 84 and the access roads there, there will be no truck traffic on Route 52. Presently Gate 3 has only been used for trucks, but in speaking to National Resources, in order to minimize auto trips on Route 52 they have agreed to allow Frito-Lay employee access from 84 through Gate 3. iPark Boulevard has wide turning lanes and made to handle traffic. There was a meeting this week with DOT regarding Gate 2. The traffic assigned to Gate 2 is approximately 25% of the employees. For employees coming to Gate 2 will only add about 25 and 30 cars in the peak hour. DOT does not have a problem with opening Gate 2 for that level of traffic however, the traffic

signal will not be needed for this level of traffic. It will be stop sign controlled. The signal that is there will be taken down. There will be signage put up saying "Gate 2" and "New" and there will be advanced warning signs along Route 52 warning people of the driveway since it has been closed for so long. This facility is projected to be open in 2023. When you add all of the incoming construction projects that will be built in 2023 and overlay them on the existing and compare it to the build conditions for 2023 there is no impact. That has to do with the fact that the vast amount of traffic will be using iPark Boulevard and Gate 3.

Supervisor D'Alessandro asked if anyone from the Planning Board with the Town Board had any questions for the applicant.

Board Member Franco thanked the applicant for the presentation. He stated he does appreciate the reduction in height of the 25% of the building as well as keeping Route 52 clear. That area does back up quite a bit so that will be a concern for residents. He also stated the look of the building being more office like is very nice.

Supervisor D'Alessandro thanked the applicant for the application. He stated the Town has a significant traffic improvement plan that they are developing for the Route 52 corridor. He stated that even one car extra on that roadway is an impact. They are coming close to completion on the traffic mitigation plan they are working on for that area. He asked the Town Attorney to explain the process moving forward.

Attorney Wood stated that tonight was the joint Public Hearing. There are actually four parallel proceedings taking place in reviewing this project. The Town Board's Public Hearing is part of their responsibility under the Zoning Ordinance. Holding a Public Hearing prior to considering a Reuse Special Permit, which is a permit for this entire iPark/GlobalFoundries area. The Planning Board is opening its Public Hearing tonight and their job is reviewing the subdivision as well as the site plan. The Planning Board will continue their Public Hearings over the course of their next few meetings. The Town Board will be processing SEQRA. In August the Board declared their intent to be lead agency. It will be their responsibility to review while the studies and all of the impacts as the lead agent. They gave notice of intent to different agencies including Department of Health and DOT. After 30 days the Town Board will be able to declare themselves lead agency and take on the legal responsibility of conducting that study, which will happen at the October meeting barring any objections from any of the agencies. As part of the application, which is already on file with the Town, available for public review, is an extensive environmental assessment form. It has all the studies attached that have been referenced. It may be supplemented further based on what the Town Board hears tonight. It is a complicated process but the intent is to identify all of the issues and address them so that if and when there is a consideration of granting an approval the Town Board and the Planning Board are sure that all the issues have been reviewed and mitigated. Even though the Town Board may

close its Public Hearing tonight on their legislative role, input to the Town Board continues at all the meetings between now and whenever they consider the SEQRA determination as well as the Special Permit.

Mr. Campbell said that the applicant had mentioned in the fleet center there would be three processes that will take place. They will be fueling trucks, repairing the trucks, and washing the trucks. He asked if the chemicals used to clean the trucks would be contained and if any water would be processed for reuse. Mr. Patel stated they have an oil and water separator that will delineate between the two so there is no contamination. Water will not be reused.

Supervisor D'Alessandro asked if they would need any variances of the project. Ms. Gray stated no.

Mr. Miyoshi asked how they could be sure that all 36 of their employees would be eating in the cafeteria and nobody would be going out. Supervisor D'Alessandro stated they won't. They will be going out. Mr. Miyoshi stated that will be at least 20 extra cars during the peak period. Mr. Patel stated during an eight hour shift they will have staggered breaks and lunch schedules for the employees. They typically get a 30 minute break. He stated in the past they typically do see people bringing food from home as it is only a 30 minute break. Mr. Fitzgerald stated that they did analyze that traffic during the peak hour. They did look at what a little more than maximum traffic during those peak hours. Whoever would be leaving during that peak hour is included in the traffic study.

Board Member Beephan asked if Frito-Lay or PepsiCo had some sort of no idling policy or a limit on idling for their trucks. He stated he realizes they are not at the noise level to be concerned that the school is close and a lot of the rooms do not have air conditioning and they might have their windows open. Mr. Patel stated there are rules and regulations for the drivers regarding idling. He does not know what it is off the top of his head.

Supervisor D'Alessandro asked if there was anyone from the public with any questions for this applicant.

Rob Tegal asked how far off the center of Route 52 was the building. Mr. Patel stated they are maintaining the 100-foot setback from Route 52 for the permit requirements. Mr. Tegal asked if the building was going to be one-story and then 80 feet up from that and Mr. Patel stated no, it is a one plane. Mr. Tegal suggested they map it out with balloons so that when people drive by they can see the actual width and height. He also stated he believes On-Site Semiconductor takes over GlobalFoundries next year. He asked if On-Site was on board with everything that GlobalFoundries was doing. Supervisor D'Alessandro stated anytime there is a new application for a new business at iPark, DOT is on it right away. They want to know what the projections are and they are very strict. Mr. Tegal asked if the project's lights were going to be brighter or darker than

what is at the gym and parks right now. Mr. Patel stated there is no spillover light. Ms. Gray stated they are dark sky friendly. Mr. Tegal stated they would see all the truck parking on the roadway. Mr. Patel said that the shipping doors themselves would not be facing towards the roadway. Mr. Tegal asked what kind of signage would be on the buildings. Supervisor D'Alessandro stated they are proposing a monument sign on Route 52. Ms. Gray stated the consultant stated that building is 180 feet from the road. In regard to the visibility of the trucks, they will be planting evergreens to provide vegetative screening. Mr. Tegal asked the height of the trees that will be planted. Ms. Gray stated she did not know.

Fred Simone stated 51 dB is actually pretty loud. He has a home near a farm that produces 56 dB and is very loud and disturbing. He stated he is in opposition of this application. He read up a prepared statement regarding issues with GlobalFoundries and IBM and wages. He cited concerns regarding additional tractor-trailer traffic and noise due to their brakes and backup beepers. He asked if the East Fishkill fire department would be required to provide fire protection to this facility. Ms. Gray stated that the average wage will be 150% of the average wage in Dutchess County, approximately \$50,000, as well as medical benefits. Positions created will be administrative, supervisory managers, warehouses, and maintenance mechanics. The application has been reviewed by the Fire Advisor Board and the applicant is in the process of responding to their comments. The comment regarding the environmental condition of the site due to past uses of chemicals can be addressed by Mr. Ward Willis. He has been in contact with iPark and IBM regarding the conditions on site.

Ann Cover stated she would appreciate it if the Town did more due diligence into checking what will happen with the water on site. Her concern is that they will be getting a large tax break for 80 employees. She asked what happens when their retrieval equipment becomes outdated. Her fear is they will leave the area and the Town will be stuck with an 80-foot building with no other use. Supervisor D'Alessandro stated the Town is not giving Frito-Lay any money. Frito-Lay has applied to the Dutchess County IDA for a tax pilot. He reviewed the charts showing a 15-year Pilot during which the applicant has to guarantee a certain number of jobs and invest in the community. If they do not comply with that the IDA can revoke the tax Pilot and make them pay back the break that was received. Over a 15-year time frame they will be paying 7 1/2 million dollars in taxes. They will pay the full tax rate to the fire district and the library district as they are not part of the Pilot. If the property remains the way it is right now, in 15 years a total of approximately \$859,000 would have been paid to all those entities. Businesses cannot just walk in and get whatever they want. There are a lot of guarantees they need to meet and invest specific sums of money into the community. Board Member Franco and Board Member Beephan both stated this is an industrial zone. Mr. Patel stated that this will be the 16th fulfillment center in the United States and all 16 have the same electronics inside. These date back 30 years so they do not foresee this equipment breaking down or being antiquated in 9 to 10 years.

Eric Eckley stated he has been a resident homeowner for 28 years in East Fishkill. He asked how this project would improve the quality of life in East Fishkill. Supervisor D'Alessandro stated some companies will not come into Town unless they can receive a tax Pilot. Other states and areas are willing to do that. Mr. Eckley asked what the assessed value of his property would be at the end of this project. Comptroller Posniak stated some estimates so far have been \$21 million for the building and \$6.5 million for the land. Attorney Wood stated this is a deviated Pilot and the assessment is set the same way as all the other properties in the town will be assessed. Every year it is plus or minus just like any how any business is. Then the exemption phases in over a period of 15 years. Mr. Eckley asked what average wage for Dutchess County was. Ms. Gray stated the average wage for employment at the fulfillment center is proposed to be \$50,000 plus benefits. That is 150% of the average Dutchess County wage. Board Member Beepahan stated the average salary in Dutchess County is \$35,000. Supervisor D'Alessandro stated that the IDA would be having a Public Hearing it will be posted on the Dutchess County IDA site. He stated the Town would post it as soon as they find out the date as well. Mr. Eckley asked if they would let a union organize this facility. Attorney Wood stated that is beyond the control of the Town Board. There are federal laws covering those issues. Attorney Wood stated when the agreement is signed with the IDA all of employment issues are covered in it. It is a public record that anyone can see. Attorney Wood stated when the application to the IDA is made, the Town is given 60 days to try to come up with a Pilot agreement. If the Town does not, the IDA has the right to impose what it feels is an appropriate payment in lieu of taxes. Mr. Eckley had concerns over the size of the trees and the height not being able to block the height of the building. He stated he remembers a statement from the prior meeting about there being a nonconforming condition relating to how close the area of development on the property is to Route 52. Attorney Wood stated there are no requests for any variances so the building meets the 100 foot setbacks. Mr. Eckley asked about the difference in Pilot payments from GlobalFoundries to this applicant. Attorney Wood stated the Town has to be competitive.

Steve Caswell stated he is the County Legislator from East Fishkill. The IDA had a special meeting to start this application and it will go under an extensive review at the County level. There will be negotiation. There is a significant reduction in the first year but it does slowly climb over 15 year. At the end of the 15 years they are paying full taxes. The current assessment is less than \$1 million on that property. It will go to \$21.5 million. When you compare what IBM paid versus what Frito-Lay will carry it will be a significant difference as they have a very small corner of the property versus everything IBM had. The current property taxes are only \$28,000. When all is said and done they will be paying over \$850,000 a year. If they leave early there is a recapture clause that the IDA puts in every application.

Supervisor D'Alessandro asked if there were any questions or comments from the

public. There were none. He asked if there were any other questions or comments from the Planning Board or the Town Board. There were none.

**A) Close Public Hearing**

Motion to close the Town Board Public Hearing for the Special Permit: Board Member Beephan. Seconded: Board Member Franco. All voted in favor. Motion carried.

**B) Adjourn Planning Board Meeting**

Motion to adjourn the Planning Board Public Hearing: Board Member Campbell. Seconded by the Board Member Gee. All voted in favor. Motion carried.

Ms. Robbins stated the Planning Board Public Hearing was adjourned until October's 12 at 7 PM.

**Regular Meeting begins at 7:00 PM**

The Town of East Fishkill's Town Board Meeting on September 23, 2021 was called to order at 7:00 p.m. by Supervisor D'Alessandro with the Pledge of Allegiance.

**Supervisor's Announcements**

Supervisor D'Alessandro stated that Hurricane Ida hit East Fishkill hard. A temporary bridge was installed for one that was taken out. All agencies involved worked quickly and well together. East Fishkill will be included in the FEMA reimbursement. He thanked all involved.

He met with the Mayors and Supervisors for the weekly call with the County Executive. They discussed FEMA and changing COVID laws. There will be 2 free COVID testing sites in Dutchess County.

Last month the Town circulated for Lead Agency for Rolling Frito-Lay project at the GlobalFoundries site. Tonight was the joint Public Hearing with the Planning Board. Last week was the meeting with the IDA for the potential Tax Pilot for the application. When the IDA posts their Public Hearing date it will be on the Town website.

Last week there were meetings with iPark regarding new projects.

September 11 there was a beautiful ceremony, and he thanked all involved. It was the 20-year anniversary.

Saturday was the 25th annual Community Day. It was a fantastic day with a lot of help from everyone.

There are still some issues with the Hopewell Water District and various agencies involved. The Town Board is reaching out for help to local Congress people as well.

There was a meeting in Poughkeepsie with the DC BOH regarding various water

projects.

The Economic Development Committee met for the first time since before Covid.

They discussed when they would hold the next community meeting.

Please don't rely on social media for your information. The Town Board is available anytime to answer your questions.

**Roll Call:** Supervisor D'Alessandro asked the Deputy Town Clerk to call the rolls.

Board Members in attendance:

|         |        |          |         |              |
|---------|--------|----------|---------|--------------|
| Peter   | Thomas | Emanuele | Anil    | Nicolas      |
| Cassidy | Franco | Marinaro | Beephan | D'Alessandro |

Also in attendance:

Thomas Wood, Attorney; Scott Bryant, Engineer; Mark Pozniac, Comptroller; Chief Bellino, East Fishkill Police Department; Ken Williams, Highway Superintendent.

**Public Hearings:**

1. Public Hearing Considering Local Law that would Restrict Construction within Flood Plains

Supervisor D'Alessandro stated this will be adjourned until the October 28, 2021 Town Board meeting.

**Approve Minutes:**

August 26<sup>th</sup>, 2021

Motion to approve the minutes for the August 26<sup>th</sup>, 2021 meeting: Board Member Franco. Seconded: Board Member Beephan. All voted in favor. Motion carried.

**Announcement of Additions to the Agenda:**

Supervisor D'Alessandro said there are several additions to the agenda. One is to change the name of Auditorium Drive. The second is to authorize a Hearing for an unsafe structure at 16 Fishkill Hook Road. The third is receipt and file of the budget. There is one for amendment dates of the Town Board meetings. There is one to hire a floater. And there is a WIA Grant application.

**Courtesy of the Floor:**

Supervisor D'Alessandro asked if there was anyone who would wish to speak on

agenda items or town items.

Ralph Castaldi requested an audit of all incoming and outgoing funds for the Town. He had questions regarding all taxing funds. Supervisor D'Alessandro stated that is all in the budget, which is public information. There is also an annual audit.

County Legislator Steve Caswell spoke about the Learn, Play, and Create Grant Program. It is \$3 million to go to arts and athletics to support the youth.

Ann Cover spoke about the EPA issues with the Hopewell North Water District and concerns about Frito-Lay.

Keith Dimaso spoke about Facebook issues and false accusations made there.

Tamika Santiago stated her signs were taken down and replaced with different ones. She asked about construction at the parks. Supervisor D'Alessandro stated there will be batting cages there.

Robert Grasso spoke about Facebook issues. He thanked the Town Board for all their hard work.

### **Receive and File**

Supervisor D'Alessandro said the Supervisor's State of Emergency Declaration had been sent.

### **Resolutions:**

#### **1. Accept Two Grants from Dutchess County**

##### **RESOLUTION** **(ACCEPTING GRANTS FROM DUTCHESS COUNTY)**

**WHEREAS**, the Town has been notified that the Pocket Parks Grant and Emergency Generator for Heating and Cooling Center have both been awarded; and

**WHEREAS**, it is appropriate for the Town Board to accept these grants in the best interest of the people of the Town;

**NOW, THEREFORE, BE IT RESOLVED**, that the Supervisor be and hereby is authorized to accept the grants from Dutchess County with respect to Pocket Parks Grant in the amount of \$76,800 and an Emergency Generator for Heating and Cooling Center in the amount of \$50,000; and

**BE IT FURTHER RESOLVED**, that the Supervisor be and hereby is authorized to execute any documents to effectuate said matter.

Motion to accept two grants from Dutchess County: Board Member Franco.  
Seconded: Board Member Beephan. All voted in favor. Motion carried.

**2. Authorize the Hiring of a Temporary Typist**

Supervisor D'Alessandro stated this resolution has been tabled.

**3. Authorize RFP for Liability Insurance**

**RESOLUTION  
(AUTHORIZE REQUESTS FOR PROPOSALS FOR LIABILITY INSURANCE)**

**WHEREAS**, it is the desire of the Town Board to seek inquiries regarding competitive rates for Liability Insurance; and

**NOW, THEREFORE, BE IT RESOLVED**, that it is in the best interest of the Town to advertise for proposals so that there be a wider selection and competition; and

**BE IT FURTHER RESOLVED**, that the Town Clerk be and hereby is authorized to advertise for requests for proposals for Liability Insurance rates; and

**BE IT FURTHER RESOLVED**, that said proposals shall be received, evaluated by the Town Clerk and a summary report shall be provided to the Town Board.

Motion to authorize RFP for Liability Insurance: Board Member Beephan.  
Seconded: Board Member Marinaro. All voted in favor. Motion carried.

**4. Authorize the Promotion of a Lead Police Assistant**

**RESOLUTION  
(APPOINTING A LEAD POLICE ASSISTANT)**

**WHEREAS**, a Lead Police Assistant position has been created in the Police Department; and

**WHEREAS**, said position will take on more duties and responsibilities as assigned by the Town Police Chief; and

**WHEREAS**, the Town Police Chief has recommended an employee to fill the position; and

**NOW, THEREFORE, BE IT RESOLVED**, the Town Board hereby appoints Jessica Fredrick to Lead Police Assistant; and

**BE IT FURTHER RESOLVED**, such person will be paid pursuant to the CSEA Collective Bargaining Agreement effective September 26, 2021.

Motion to authorize the promotion of a Lead Police Assistant: Board Member Franco. Seconded: Board Member Beephan. All voted in favor. Motion carried.

**5. Award Beekman Water District Evaluation Regional Water Supply RFP**

**RESOLUTION**  
**(BEEKMAN WATER DISTRICT EVALUATION AS A REGIONAL WATER SUPPLY**  
**2021.TEF.WS001)**

**WHEREAS**, the Town of East Fishkill has determined that sampling of PFOA/PFAS has identified several wells that have or exceed MCL limits; and

**WHEREAS**, the Town of East Fishkill has shut down several wells reducing overall water source capacity; and

**WHEREAS**, the Town is evaluating alternatives to replenish the lost water capacity; and

**WHEREAS**, the Town circulated a publicly available RFP titled "Beekman Water District Evaluation as a Regional Water Supply", due to the Town Clerks Office September 15, 2021; and

**WHEREAS**, WSP, USA, Inc has responded to the RFP;

**NOW THEREFORE, IT IS RESOLVED**, that the Town Board hereby declares and Authorizes Nicholas D'Alessandro, Town Supervisor, be provided the authority to authorize a contract with WSP USA, INC and the well drilling companies.

Motion to authorize Beekman Water District Evaluation Regional Water Supply RFP: Board Member Franco. Seconded: Board Member Beephan. All voted in favor. Motion carried.

**6. Approve Change Order for 376 Water Line**

**RESOLUTION**  
**(TOWNWIDE RT 376 INTERCONNECTION CHANGE ORDER)**

**WHEREAS**, the Town of East Fishkill previously authorized improvements and bonding through resolution 134/2021 that provides several area wide improvements, including, but not limited improving water quality for Revere Park Water District and Worley Water District as well as redundancy water source/water storage for Fishkill Plains/Brettview Water Districts; and

**WHEREAS**, the Town of East Fishkill entered into Contract with Legacy Supply, Inc. for a total amount of \$1,307,525.00, signed by Supervisor Nicholas D'Alessandro on April 15, 2021 to construct several water district interconnections; and

**WHEREAS**, the NYSDEC identified an area of the project located along Rt 376, post award, that would require mitigation through wetland restoration and permitting if a the contract jack/bore pipe installation were performed. Further the NYSDEC also identified an Endangered, Threatened or Rare Species in the area of the proposed pipe installation that would also require extensive oversight, monitoring, and mitigation; and

**WHEREAS**, the Town determined the NYSDEC permitting and mitigation would significantly impact the project schedule and create an unknown mitigation and monitoring agreement for ETR and wetlands causing unforeseeable financial impacts; and

**WHEREAS**, the Town developed a strategy that utilizes a horizontal directional drilling pipe installation technique, minimizing the need for NYSDEC permitting, continued oversight, and ongoing mitigation; and

**WHEREAS**, the Town sought cost proposals for the change in project scope from multiple contractors and Legacy Supply, Inc. provided the lowest fee of \$211,626.43; and

**WHEREAS**, the Town has reviewed the cost proposal, back up cost data, and available bonded amounts;

**NOW THEREFORE, IT IS RESOLVED**, that the Town Board hereby declares and Authorizes Nicholas D'Alessandro, Town Supervisor, be amend the contract with Legacy Supply, Inc to include the additional services.

Motion to approve a Change Order for 376 Water Line: Board Member Franco.  
Seconded: Board Member Beephan. All voted in favor. Motion carried.

**7. Award the Four Corners Water District Storage Tank Repairs**

**RESOLUTION**

**(TOWN OF EAST FISHKILL FOUR CORNERS WATER DISTRICT  
STORAGE TANK REPAIRS - 2021-TEF-WS002)**

**WHEREAS**, the Town of East Fishkill has previously performed repairs to the Four Corners Water Tank, including concrete subfloor injections and spot specific leakage repairs and we believe that the repairs have minimized ongoing leakage on a short term basis; and

**WHEREAS**, the Town of East Fishkill is seeking a solution for a long term leakage repair and has sought services for tank lining and/or concrete floor installation; and

**WHEREAS**, the Town circulated a publicly available bid titled "Town of East Fishkill Four Corners Water District Storage Tank Repairs", due to the Town Clerks Office September 22, 2021; and

**WHEREAS**, the Town received two (2) responses to the RFP; and

**WHEREAS**, the Town performed an evaluation of the responses received, determining that Underwater Solutions is recommended for award; and

**WHEREAS**, the Town recommends awarding Tank Liner Alternate 1 as described in the bid;

**NOW THEREFORE, IT IS RESOLVED**, that the Town Board hereby declares and authorizes Nicholas D'Alessandro, Town Supervisor, be provided the authority to authorize a contract with Underwater Solutions.

Motion to award the Four Corners Water District Storage Tank Repairs: Board Member Marinaro. Seconded: Board Member Franco. All voted in favor. Motion carried.

**8. Approve the change in the name of Auditorium Drive to Patriot Way**

**RESOLUTION  
(A RESOLUTION CHANGING THE NAME OF AUDITORIUM DRIVE TO  
PATRIOT WAY)**

**WHEREAS**, The Town has obtained Auditorium Drive from Bluewater Property Group as a new road; and

**WHEREAS**, due to this acquisition we are requesting to change the name of Auditorium Drive to Patriot Way; and

**WHEREAS**, 911 Addressing has been notified of the name change and has not indicated any conflicts within the town; and

**NOW, THEREFORE, BE IT RESOLVED**, that the Town of East Fishkill hereby requests that the Auditorium Drive is now changed to Patriot Way and all necessary departments and agencies will be notified of such change.

Motion to approve the change in the name of Auditorium Drive to Patriot Way: Board Member Beephan. Seconded: Board Member Franco. All voted in favor. Motion carried.

**9. Authorize a Hearing for an unsafe structure at 16 Fishkill Hook Road**

**RESOLUTION  
(AUTHORIZING HEARING ON UNSAFE STRUCTURE AT 16 FISHKILL  
HOOK ROAD)**

**WHEREAS**, the Town Board has previously commenced on condemnation action on the above referenced structure; and

**WHEREAS**, the Town Engineer has advised that the owner has previously appealed to the Town Board to postpone the execution of the order; and

**WHEREAS**, the house still remains in deteriorated state and should be demolished; and

**BE IT FURTHER RESOLVED**, the Town Board will conduct a hearing regarding the above named structure on November 4, 2021.

Motion to authorize a Hearing for an unsafe structure at 16 Fishkill Hook Road: Board Member Franco. Seconded: Board Member Beephan. All voted in favor. Motion carried.

**10. Approve the receipt and file of the budget**

**RESOLUTION**  
**(RECEIVE AND FILE AND DISTRIBUTE 2022 BUDGET)**

**WHEREAS**, the Town Supervisor's budget must be filed with the Town Clerk within the time period prescribed by law; and

**WHEREAS**, it is necessary for the Town Clerk to present said budget to the Town Board at a public meeting prior to the 5th day of October; and

**WHEREAS**, it is the desire of the Supervisor and the Town Clerk to have the Town Board receive the Tentative 2022 Budget at this meeting; and

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board will conduct a Budget Hearing on November 4, 2021.

Motion to approve receipt and file of the budget: Board Member Beephan. Seconded: Board Member Franco. All voted in favor. Motion carried.

**11. Approve the amended dates of the Town Board meetings**

**RESOLUTION**  
**(AMEND THE DATES FOR THE BALANCE OF TOWN BOARD MEETINGS FOR 2021)**

**WHEREAS**, the Town Board has determined to review and schedule meetings in 2021; and

**WHEREAS**, it is the desire of the Town Board to have regularly scheduled meetings;

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board shall conduct their monthly workshop and regular meetings per the following schedule; and

October 14 - Workshop/Budget Discussion  
October 28 - Regular Meeting  
November 4 – Regular Meeting/Budget Hearing

December 9- Regular Meeting

**BE IT FURTHER RESOLVED**, that the said meetings shall be held at the Town Hall and shall commence at 7:00 pm unless otherwise indicated.

Motion to approve the amended dates of the Town Board meetings for the remainder of 2021: Board Member Cassidy. Seconded: Board Member Beephan. All voted in favor. Motion carried.

**12. Approve to hire a floater**

**RESOLUTION  
(APPOINTING TEMPORARY TYPIST)**

**WHEREAS**, the Town has identified the need for an additional temporary Typist to assist in the clerical functions necessary to operate Town Departments; and

**WHEREAS**, Human Resources has interviewed viable candidates and recommends Lisa Ingraham to the Town Board; and

**NOW, THEREFORE, BE IT RESOLVED**, that Lisa Ingraham is hereby appointed as temporary Typist effective September 24, 2021, to be paid at the hourly rate of \$15.38; and

**BE IT FURTHER RESOLVED**, that such person shall work at the pleasure of the Town Supervisor in accordance with all the previously established rules and regulations; and

**BE IT FURTHER RESOLVED**, that such person will be removed from the payroll upon completion of their tasks.

Motion to approve to hire a floater as a temporary typist: Board Member Marinaro. Seconded: Board Member Beephan. All voted in favor. Motion carried.

**13. Approve a WIA Grant application**

**RESOLUTION  
(TOWN OF EAST FISHKILL 2021 WIIA GRANT APPLICATION)**

**WHEREAS**, the Town of East Fishkill has previously defined a set of town wide water system improvements that includes water district interconnections, water distribution pipe replacement, establishment of new water sources for Revere Park and Worley water districts, the use of system water storage provided from the

Hopewell Hamlet water district, and the redundancy of water supply and storage for Fishkill Plains and Brettview water districts; and

**WHEREAS**, the Town is seeking nearly \$3,000,000 through the Water Infrastructure Improvement Act (WIIA) grant opportunity; and

**WHEREAS**, the Town of East Fishkill previously identified a project budget of approximately \$5,000,000.00 and will benefit from a WIIA grant, lowering the cost obligation for the water districts; and

**WHEREAS**, the Town previously passed a resolution for project bonding; and

**WHEREAS**, the Town previously circulated for lead agency and previously declared lead agency and determined that the project will not have environmental impacts and published findings in the Environmental Notice Bulletin;

**WHEREAS**, the WIIA grant requires compliance with all state and federal grant requirements, such as the Davis-Bacon Federal Prevailing Wage and American Iron and Steel.; and

**NOW THEREFORE, IT IS RESOLVED**, that the Town Board hereby declares and authorizes Nicholas D'Alessandro, Town Supervisor, the authority to sign the WIIA application and submit to the New York State Environmental Facilities Corporation (NYSEFC).

Motion to approve a WIA Grant application: Board Member Cassidy. Seconded: Board Member Beephan. All voted in favor. Motion carried.

**Additions to the Agenda by Majority Vote (if any):**

**Budget Transfer:**

Supervisor D'Alessandro stated there were no budget transfers for the month.

**Comments from Town Board Members:**

Highway Superintendent Williams stated there was a lot of damage from Hurricane Ida. All Town agencies worked well together that night and most of the damage has been corrected. They have continued with drainage work in Four Corners, Worley Homes, and Dogwood Knolls. They're looking to pave three additional roads this year. They have also worked on the batting cages. They will continue to do pothole filling until the season ends.

Police Chief Bellino stated the fire Department was fantastic during Hurricane Ida in the days that followed. They also did a ceremony on September 10 for the 20th anniversary. There have been almost 2000 calls for service for the Police Department this month. There were 17 arrests and they closed out two burglaries

with arrests. They got an illegal shotgun off of the streets. There are two police officers in the Academy currently. The new police assistant is moving forward with her training very well. The 2022 budget proposal has been submitted.

Board Member Beephan thanked all the town departments. The fire Department did countless basement pump outs during the storm and for days afterwards. He thanked the Recreation Department and Board Member Cassidy and Board Member Marinaro for all their work on Community Day. The Highway Department was amazing. He thanked the residents for attending. The annual Halloween costume party and parade will be on October 31 at 3 PM at Mill Creek Caterers. Reservations are open for winter sports. He thanked everyone for their work on getting the temporary bridge up.

Board Member Franco thanked the Highway Superintendent and Police Chief. They have received three RFPs for the new Veterans Park that is being proposed. John Jay High School is trying to participate in a pilot program to get kids more civically involved. The Board and Chief of Police are working on something called the East Fishkill Hometown Connection. It will include schoolkids gathering information as well as other avenues to check on and help some homebound seniors. It may also include some churches and local charities.

Board Member Marinaro thanked the Highway, Fire, and Police Departments for their help during the storm. It was a great effort with the Town Board and others to get the temporary bridge installed. Paving will resume this week. Some roads in Dogwood Knolls haven't been paved in 20 years. Creamery Road area does have a paving plan, but it is reliant on the water system issues being resolved. The meeting with the Economic Development Committee went very well. October 9<sup>th</sup> is the tentative date for the ribbon cutting at Hillside Lake for the water project at 10:00 AM. Supervisor D'Alessandro stated the only way to decrease residential tax incentives is to increase the amount of taxes in the area.

Board Member Cassidy thanked the Highway Department and the Police Department. He thanked the Fire Police for their help with traffic during Community Day. He also thanked Royal Carting and Hopewell Hot Bagels. Community Day was great. It has come a long way in 25 years and it is all about the Town.

Supervisor D'Alessandro had stated earlier that awards were given to both Board Member Cassidy and past Board Member Walker for all of their hard work over the last 25 years on Community Day. He stated those who truly deserve awards are the people who don't want them. They were well deserved. Brush drop-off will be October 6 to October 30 at 218 Hillside Lake Road. This is not for commercial vehicles. It will be posted online.

**Motion for Adjournment: Time:** Motion to adjourn the regular meeting at 10:30 PM: Board Member Franco. Seconded: Board Member Beephan. All voted in

favor. Motion carried.

**Town Board Meetings:**

**Workshop Meeting:**  
**Voting Meeting:**

**October 14, 2021**  
**October 28, 2021**

Respectfully submitted by Julie J. Beyer on behalf of Town Clerk Carol A. Hurray  
– October 4, 2021